

North Little Rock Board of Adjustment

Minutes

January 28, 2010

The regular meeting of the North Little Rock Board of Adjustment was called to order by Chairman Carl Jackson at 1:35 P.M. in the Planning Office (Conference Room B).

Members Present

Mike Abele
Tom Brown
Andy Hight
Carl Jackson, Chairman
Jimmy Phillips

Members Absent

None

Staff Present

Robert Voyles, Planning Director
Wade Dunlap, City Planner
B. J. Jones, Secretary

Others Present

Debra Roberts

Approval of Minutes

Chairman Jackson called for approval of the minutes. Mr. Phillips made a motion for approval with Mr. Hight seconding. The motion passed unanimously.

Old Business

1. **BOA CASE #1433** – Mr. Kal Makan, Makan Hospitality; 4000 Springhill Plaza Court, Lots 1 and 2, Springhill Plaza Addition. The request is to allow a height variance of 11.5 ft. above the allowed 45 ft. in a C-3 zone. Requesting an extension on approval time period for obtaining a permit.

There was no one in attendance at this meeting to represent the applicant.

Mr. Dunlap explained that the applicant is requesting an additional extension due to the fact that the architect on the project is from out of state and is experiencing some delay in acquiring his certification from the state of Arkansas. He added that the applicant is requesting an additional ninety day extension.

Mr. Voyles noted that it is unlikely that anyone would object to the project due to its location.

Mr. Dunlap noted that the applicant has ninety days to purchase a permit after approval from this Board and that the applicant's ninety days would expire tomorrow.

Mr. Hight asked why no one was in attendance for this meeting.

Mr. Dunlap responded that he does not know.

Mr. Brown asked if the applicant is aware of the meeting today.

Mr. Dunlap replied in the affirmative.

Mr. Hight formed a motion to deny the applicant's request. He explained that this is an important meeting for the applicant and he should be here.

Chairman Jackson noted that if this request is denied, the applicant must reapply to this Board.

Mr. Voyles added that the applicant would be required to start over and have the expense of notification again.

Mr. Brown seconded Mr. Hight's motion to deny the extension and it was passed with a unanimous vote.

New Business

1. **BOA CASE #1439** – Mr. Tommy Bond, Bond Consulting Engineers, representing Transplace Services; legally defined as Lot 1, Eanes Subdivision. The request is to allow a six foot chain link fence with 3 strands of barb wire in an I-2 zone.

Chairman Jackson stated the case number, the applicant's name and requested that the applicant come before the Board. There was no one in attendance for the applicant. Mr. Dunlap attempted to phone the applicant but could not reach him. The assistant that answered the phone was not familiar with the case and therefore could not represent the applicant.

Mr. Brown noted that a letter in the packet from the applicant indicated that he was aware of today's meeting.

Mr. Abele noted that the requested fence has already been installed.

Mr. Dunlap acknowledged that the fence is already installed. He added that he had approached the representative from the fence company to inform him that the fence had not yet been approved.

Mr. Brown asked which fence company was involved.

Mr. Dunlap replied that he did not know the company name.

Mr. Hight expressed disapproval that the fence was being installed before the variance had received approval from this Board.

Mr. Brown asked if the barb wire had also been installed.

Mr. Dunlap replied in the affirmative.

Mr. Voyles asked to inform the Board of the background on the case. He noted that a process had begun two years ago by a previous owner asking to park trucks at the location. The case had been to the Planning Commission, but the owner had passed away before the project was complete. Staff had noticed that work had begun again and upon inquiry, realized that a new owner mistakenly thought they could carry on with the same work. The new owner was informed by staff that they would have to complete the process of filing plans.

Mr. Voyles asked the Board to consider postponing the case rather than denying the request. He explained that the appeal of this Board's denial would be circuit court.

Chairman Jackson asked why the fence was needed by the applicant.

Mr. Dunlap explained that security was necessary for the trucks parked at the location.

Chairman Jackson asked if there would be a building on the site.

Mr. Voyles replied that an automatic gate would be installed, due to the remote location.

Mr. Hight formed a motion to deny the applicant's request. He explained that building without a permit and the absence from today's meeting indicate that

the applicant seems inclined to do whatever they wish to do without any consideration for the City's requirements.

Mr. Brown seconded the motion, but the motion failed with a vote of three against the denial and only two in favor.

Mr. Phillips formed a motion to postpone the case to the next meeting of the Board.

The motion dies due to a lack of anyone seconding the motion.

Mr. Voyles noted that he would inform the applicant to move the fence and any appeal of the case would need to be addressed to circuit court.

Administrative:

Chairman Jackson welcomed new Board member Mike Abele.

The Chairman also wanted to acknowledge the extended service of outgoing Board member Debra Roberts. He expressed appreciation for her valued assistance beginning in February 1992.

The Chairman opened the floor for nominations for Chairman of this Board.

Mr. Brown nominated Carl Jackson to serve as Chairman.

Mr. Phillips seconded the motion.

The Chairman asked the current Vice Chairman, Tom Brown to handle additional nominations for the position of Chairman.

Mr. Brown asked for any other nominations for Chairman. There were no other nominations and no dissent to Mr. Jackson's nomination to serve as Chairman once again.

Chairman Jackson asked for nominations for Vice Chairman.

Mr. Phillips nominated Tom Brown as Vice Chairman.

Mr. Hight seconded the motion.

There were no other nominations and no dissent to Mr. Brown's nomination to serve as Vice Chairman.

PUBLIC COMMENT/ADJOURNMENT:

Ms. Roberts was in attendance at the meeting and expressed her pleasure to have served on this Board.

Mr. Brown made the motion to adjourn at 2:10 pm and there was no dissent.

PASSED: _____ RESPECTFULLY SUBMITTED:

CARL JACKSON, CHAIRMAN

ROBERT VOYLES, DIRECTOR